

**PROJECT NUMBER**

**98-062-(3)**

**CASE NUMBER**

**Conditional Use Permit Case No. 98-062-(3)**

**ENTITLEMENT REQUESTED**

The applicant is requesting a Conditional Use Permit to authorize the construction, operation and maintenance of a private religious preschool, elementary and middle school for up to 750 students (pre-kindergarten through eighth grade) and 97 staff in the A-1-5 (Light Agricultural-Five Acres Minimum Required Area) zone.

**SUMMARY OF MAY 25, 2005 PUBLIC HEARING**

A public hearing was held before the Regional Planning Commission on May 25, 2005. At the conclusion of the May 25, 2005 hearing, the Commission made recommendations and continued the hearing to June 15, 2005. Additional time for additional public testimony was required and certain pending issues remained to be addressed.

The Commission requested that further coordination with the City of Agoura Hills and the County regarding all traffic mitigation measures; this would include the roundabout option proposed for U.S. Highway 101 westbound ramps at Palo Comado Canyon Road and Canwood Street intersection. Also requested was proof of ownership of a small western portion of the project area depicted on the vicinity map as part of the subject site or as an access easement; clarification is required. The Commission also directed the applicant to provide a specific carpool drop off and pick up plan including traffic circulation patterns. Naming of the conservation agency receiving the proposed conservation easement was requested. The Commission further requested that the applicant consider staggering of school hours and provide greater clarification for the necessity of 24 evening events and four major events per year, and how these events would be managed.

Clarification of fencing requirements on the north and east side of the site was requested, including further consultation with the National Park Service and Santa Monica Mountains Conservancy regarding fencing materials proposed. Any fencing proposed should be as close to the project as possible and as far as possible from the nearby National Park and Conservation lands. The Commission suggested that staff make further inquiry with the applicant regarding the applicant's willingness to propose additional land dedications to the West of the proposed developed area.

The Commission further instructed the applicant and staff to investigate the Health Risk Assessment documentation pertaining to the nearby Calabasas Land Fill and potential regional water and air quality concerns. Finally, the Commission requested the applicant provide greater detail regarding the financial feasibility of completing the project and providing specific assurances toward the phasing timeline of the project. Staff was directed to revisit the issue of whether or not the project proposed is truly in the spirit of the Santa Monica Mountains North Area Plan.

**SUMMARY OF JUNE 15, 2005 PUBLIC HEARING**

A public hearing was held before the Regional Planning Commission on June 15, 2005. At the conclusion of the June 15, 2005 hearing, the Commission made recommendations and continued the hearing to September 7, 2005. Testimony only on new information would be accepted by the Commission at the continued hearing along with discussion of project conditions. Staff and the applicant were directed to report back on issues including the following priorities:

- 1) Coordinate with the City of Agoura Hills regarding an expanded investigation into the feasibility and acceptability of primary access options, specifically the freeway offramp and Canwood Street / Palo Comado Canyon Road intersection roundabout option, and the Mid-Palo Comado Canyon Road and Canwood Street re-alignment option.
- 2) Coordinate with the City of Agoura Hills regarding expanded conditions recommended by the City pertaining to the construction, operation and maintenance of the project and consideration of DEIR revisions prior to the final EIR document certification.
- 3) Provide further definition to Traffic Demand Management (TDM) carpooling plan, emergency evacuation plan and site access to residents, large event traffic and parking management, and timely project execution through phasing and financing assurances.
- 4) Coordinate with the Calabasas Landfill staff, public advocates and the applicant regarding expanded investigation into the impacts of the Calabasas Landfill and hazardous wastes on the Heschel site.
- 5) Further define protection measures for the proposed buffer area located within 100 feet of the western boundary and verify receiving agency for conservation land dedications.

**CHRONOLOGY OF MEETINGS WITH THE CITY OF AGOURA HILLS**

According to the Commission's request, Regional Planning and other County staff and/or the applicant coordinated with the City of Agoura Hills staff in a series of meetings as follows:

March 24, 2003: Regional Planning staff attended a community meeting at Agoura Hills (the meeting was not specifically with the City staff).

December, 2004: The applicant met with City staff at Agoura Hills regarding the DEIR to be circulated in the Spring of 2005.

May 2, 2005: The applicant met with City staff at Agoura Hills regarding the DEIR circulated in April, 2005.

May 18, 2005: The applicant met with the City of Agoura Hills City Council and staff at Agoura Hills to discuss site access and other issues.

May 25, 2005: The City of Agoura Hills staff attended and testified at the Regional Planning Commission hearing.

May 31, 2005: Regional Planning and Public Works, Traffic and Lighting staff met with the City of Agoura Hills staff and the applicant at Agoura Hills regarding primary access and other traffic issues.

June 8, 2004: The applicant met with the City of Agoura Hills staff and representatives of the Old Agoura Home Owners Association prior to the City Council Meeting.

June 8, 2005: Regional Planning and Public Works, Traffic and Lighting staff and the applicant attended the City of Agoura Hills City Council meeting which included discussion and creation of a preliminary statement by the Council toward the Heschel project.

June 15, 2005: The City of Agoura Hills' mayor and planning staff attended and testified at the Regional Planning Commission hearing.

June 29, 2005: Regional Planning and Public Works, Traffic and Lighting staff met with the City of Agoura Hills staff and the applicant at Agoura Hills regarding pending traffic issues and responses to the City's planning staff letters related to the DEIR.

July 13, 2005: Regional Planning staff met with the City of Agoura Hills staff and the applicant at Agoura Hills regarding the city attorney's continuing issues with DEIR adequacy.

July 21, 2005: Regional Planning staff, Public Works staff, the applicant, and City of Agoura Hills staff met with the Third District, Board of Supervisor's deputy at the Board office to inform the deputy of project access issues pertaining to the site.

August 11, 2005: Regional Planning staff met with Public Works Staff, County Counsel, Third District, Board of Supervisor's deputy, and the City of Agoura Hills staff at Regional Planning, to discuss continuing site access, traffic mitigation measures, and DEIR issues.

August 24, 2005: Regional Planning staff, Public Works, Traffic and Lighting staff, and the applicant attended the City of Agoura Hills City Council Meeting which included discussion and creation of a position statement by the Council toward the Heschel project. In its letter dated August 29, 2005, the Council resolved to reaffirm the previous actions taken by the Council at its regular meeting of June 8, 2005 as presented by the Mayor, Ed Corridori to the Planning Commission at the June 15 public hearing and to amplify its position as follows: by seeking to coordinate a mutually agreeable configuration of the project with the applicant and the County of Los Angeles, and, to incorporate three objectives into the project if it is approved. The three objectives are: 1) insure effective mitigation of traffic problems resulting from the project, 2) insure an adequate buffer between the school and its residential neighbors, and 3) establish a permanent restriction on the frequency, number attending, and level of noise generated by special events on the site.

**RESPONSE TO REGIONAL PLANNING COMMISSION DIRECTIVES**

At the conclusion of the June 15, 2005 public hearing, the Commission directed staff to work with the applicant and other agencies to address further the issues summarized above. Each issue is addressed as follows:

**Coordination with the City of Agoura Hills Regarding Primary Site Access**

Following the June 15, 2005 public hearing, staff attended five additional meetings in collaboration with the City of Agoura Hills. The meetings resulted in refined mutual understanding of two primary access options acceptable to the City, County, and the applicant. These options include the following:

**Roundabout Access Option**

Primary access off of Canwood Street at the U.S. 101 westbound off and on ramps and Palo Comado Canyon Road would be best served by using a roundabout rather than signalization. Signalization was not considered an option by the City due to negative problems with a similar intersection at Kanan Road and the 101 freeway. County Traffic and Lighting staff and California Department of Transportation staff found signalization to be feasible traffic mitigation, but less desirable than the roundabout option.

In the August 24, 2005 City of Agoura Hills City Council Meeting attended by County Regional Planning and Traffic and Lighting staff, the roundabout option was highlighted in a presentation by Leif Ourston, a roundabout expert hired by the City. Mr. Ourston indicated in his presentation that the applicant's single-lane roundabout design with modifications he depicted, was a feasible traffic mitigation measure for the site; this design proposed would not require further right of way expansion or land acquisition.

Mr. Ourston outlined three contingencies which could cause the design to become increasingly costly or complicated pending required Caltrans review : 1) The Palo Comado Canyon Road bridge could require modification at the northeast corner for accommodating proper line of site for northbound traffic; 2) Current year 2010 Caltrans standards for needed traffic volume capacity would require updating to Caltrans year 2025 standards for needed traffic volume capacity – this could affect capacity requirements of the roundabout design; and 3) An exception for maximum truck-size capacity would have to be filed with Caltrans to enable a feasible one-lane roundabout.

**Mid-Palo Comado Canyon Road with Canwood Street Re-alignment Access Option**

Primary access off of Palo Comado Canyon Road, midway between the westbound U.S. 101 off and on ramps and the intersection of Canwood Street-Cheseboro Road and Driver Avenue was considered a viable option by the City when accompanied by a re-alignment of Canwood Street. This option would enable removal of the aforementioned four-way intersection, reducing it to a preferred "T" intersection and creation of a four-way intersection at the project access point. This option would likely require land acquisition for the re-alignment of Canwood Street, use of a residential easement for the project access road, and a Conditional Use Permit for hillside grading from the City of Agoura Hills. This was not considered a favorable option for nearby homeowners as indicated by testimony from a representative of the Old Agoura Homeowners Association.

Conclusion: Preferred Primary Access

Given the summary above, the applicant, the City of Agoura Hills staff, Caltrans, and staff of the County Department of Public Works, Traffic and Lighting Division, and County Regional Planning concur that the roundabout option is the preferred access. Staff notes the roundabout option could incur unpredictably high costs to the applicant in both financial resources and regarding an uncertain timeline for completion pending various planning and construction variables in the Caltrans approval process. The applicant is fully aware of these implications. Alternative access options have potentially similar complications without providing the advantages of a roundabout.

**Coordination with the City of Agoura Hills Regarding Conditions of Approval**

The City of Agoura Hills staff provided letters dated August 9, 2005 (Conditional Use Permit conditions) and August 11, 2005 (Public Works conditions). Regional Planning staff have incorporated the City's recommendations as appropriate for the respective governmental jurisdictions, resulting in inclusion of the majority of the City's recommended conditional use permit conditions (see attached draft conditions highlighted where City conditions have been incorporated). Written feedback by the applicant from the applicant's letter dated August 30, 2005, were also considered by Regional Planning staff. In its letter dated August 31, 2005 the Department of Public Works responded to the City's August 11, 2005 Public Works letter by addressing each condition the City provided (see attached letters referenced).

**Coordination with the City of Agoura Hills Regarding DEIR Revisions**

In the letters dated July 14, 2005 and August 8, 2005 the City of Agoura Hills staff provided responses and counter responses to the applicant's analysis of the City's original DEIR questions. As Regional Planning Impact Analysis staff do not provide written comments on the DEIR until after a project is recommended for approval and in the final EIR stage of review, the applicant voluntarily addressed the City's DEIR questions.

Regional Planning Impact Analysis staff will consider all comments and responses to comments in its final EIR review process. Though the existing document is adequate by the requirements of the California Environmental Quality Act standards, County staff concurred that corrections could be made to the DEIR in the event of project approval. These DEIR corrections were not determined to require recirculation of the DEIR according to County staff.

**Applicant's Proposed Traffic Demand Management (TDM) Carpooling Plan**

Prior to the June 15, 2005 public hearing, the applicant provided a conceptual Transportation Demand Management Plan including carpooling. Department of Public Works, Traffic and Lighting staff provided the attached revised guidelines dated August 31, 2005; these guidelines cover carpooling monitoring and management program and to insure adequate performance in implementing the Plan. The applicant provided a revised Carpooling statement dated August 30, 2005 for consideration by Traffic staff.

The applicant has incorporated the County Traffic and Lighting guidelines into their Plan. The applicant noted that traffic mitigation measures proposed fully mitigate traffic impacts according to the applicant's traffic study, without a formal carpooling plan, as confirmed by County Traffic and Lighting staff in their two letters dated August 31, 2005 (see attached letters referenced). Staff notes that the Commission has discretionary authority to require (or not require) a fully monitored and enforced carpooling plan as a condition of project approval. The applicant has voluntarily offered the carpooling plan as submitted.

#### **Emergency Evacuation Protocol**

In their letter dated August 30, 2005, the applicant provided a general framework for offering neighboring residents along Cheseboro Road emergency access through the Heschel site in the event of fire or other disaster requiring evacuation from the neighborhood. In the event of project approval, a final detailed evacuation plan is required by the conditions of approval within 60 days of the final approval date. In an e-mail dated August 31, 2005, the applicant indicated that Heschel West is not prepared to provide accommodation for horse evacuation procedures other than motor vehicle and trailer emergency access through the site as referenced above.

#### **Parking for Four Proposed Major Events and 24 After-School Events**

The revised draft conditions of approval provide guidelines for managing traffic and parking for four major events per year and 24 after-school events per year. The revised conditions include a sample listing of major and after school events provided by the applicant.

#### **Assurances of Project Financing and Project Phasing Completion**

The applicant provided additional information addressing assurances toward the ability of the project to finance and accomplish project phasing goals. In its e-mail dated August 31, 2005, the applicant provided a statement of assurance toward financial capability, citing the applicant's most recent school fundraising balance.

#### **Calabasas Landfill and Health Risk Assessment Studies Near the Heschel Site**

The report titled "*Human Health and Ecological Risk Assessment*" referred to in the previous staff report has not been completed by the staff of the County Sanitation District at the time of this report. According to Sanitation District staff, the revised report will include the most current data available, not included in earlier drafts. In their letter and aerial map attachment dated August 30, 2005, Sanitation District staff, referring to the updated draft health risk assessment report, determined the Landfill to have no impact on biological and human health in proximity to the Landfill. Documentation provided indicates the nearest impacted monitoring well (P64S) to the Heschel site, containing trace amounts of Volatile Organic Compounds (VOC's), is approximately .5 mile from the Heschel site (see attached report and aerial). No other hazardous impacts were identified below the P64S test well, including in Cheseboro Creek which runs near the northern tip of the project site.

#### **Naming of Conservation Agencies for Land Dedications**

At the time of this report the applicant has not provided final documentation verifying an agreement with a conservation agency pertaining to the applicant's conservation land offerings.

The applicant referenced conversations with the Mountains and Recreation Conservation

Authority, a joint powers authority of the Santa Monica Mountains Conservancy, indicating the agency's willingness to receive the deed-restricted offering. The applicant offers to permanently dedicate a small portion of the applicant's property located northwest of Cheseboro Road near Cheseboro Creek to the National Park Service as an additional conservation land offering to be depicted on a revised Exhibit "A". No documentation of the Park Service response has been provided at this writing.

**Protections for the Residential Buffer near the Western Property Boundary**

The applicant has offered to record an easement to the County of Los Angeles limiting the 100-foot residential buffer located near the westerly boundary and depicted on a revised Exhibit "A" to open space uses prohibiting construction of any structural improvements in perpetuity.

**PUBLIC COMMENTS**

Staff has received one additional letter in support of this request at the time of this report. Comments included a statement of broader community benefit and an increased standard of living for residents nearby.

Staff has received eight additional letters in opposition to this request at the time of this report. Comments included concerns about potential impacts of hazardous materials from the Calabasas Landfill on the Heschel site, fire hazard concerns, and terrorist security risks.

One member of the public requested environmental information about a previous project which included the Heschel site. Tract No. 49611 (Liberty Canyon Project) was filed in 1989 and case processing proceeded through the beginning of the Screencheck DEIR environmental process at which time action by the applicant ceased. On April 15, 2005 the project was denied due to inactivity. The site has remained vacant.

**STAFF EVALUATION**

Pursuant to Section 22.24.100.A of the Los Angeles County Zoning County Code, a school, through grade 12, accredited, including appurtenant facilities, which offer instruction required to be taught in the public schools by the Education Code of the State of California in which no pupil is physically restrained but excluding trade or commercial schools is permitted in the A-1 zone, provided a conditional use permit has first been obtained.

The project is consistent with the Santa Monica Mountains North Area Plan N5 (Mountain Lands 5) designation and complies with the Santa Monica Mountains North Area Community Standards District and A-1 Zone development standards.

The project protects adjacent hillsides and open spaces while providing no significant environmental impacts when in compliance with the Mitigation Monitoring Program and all of the conditions of approval with the exception of cumulative impacts to visual and biological resources, which would remain significant since there are no known mitigation measures available to reduce cumulative impacts to a level of insignificance.

The environment within the vicinity of the project represents a blend of urbanization and natural areas. The City of Calabasas is located to the east of the subject site. Current and

proposed developments within the City of Agoura Hills are located to the west and south of the project. Open space and wildlife movement corridors in between the two cities, east and north of the project site, present a context conducive to preservation.

The applicant seeks to provide needed educational services in a location central to the applicant's constituency within the Conejo Valley. The applicant proposes a project adjacent to a developing transportation corridor and an equestrian neighborhood. The project contributes to environmental preservation while maintaining sensitivity to the needs of the local neighborhood.

The applicant and staff have addressed the directives of the Regional Planning Commission or other issues brought up at the conclusion of the June 15, 2005 public hearing to the best of their ability. Substantial communication and coordination has taken place between County staff, City of Agoura Hills staff, and the applicant. The City of Agoura Hills has indicated its intent to continue working closely with the applicant and the County of Los Angeles while protecting its legal, environmental, and fiscal interests.

A proposed roundabout for the intersection facilitating the primary site access must be approved prior to issuance of grading permits and completed prior to occupancy of the school to the satisfaction of Caltrans in coordination with the City of Agoura Hills.

### **FEES/DEPOSITS**

If approved as recommended by staff, the following will apply:

1. An Environmental Impact Report was required, therefore, a Fish and Game fee of \$850 and a \$25 document handling fee for the posting of a Notice of Determination must be paid for a total of \$875. The fees will be required within fifteen (15) days of the final approval date of the permit.
2. A cost recovery deposit of \$4,500 to cover the costs of the thirty (30) recommended annual zoning enforcement inspections. The payment will be required within thirty (30) days of the final approval date of the permit. Additional funds would be required if violations are found on the property requiring additional inspections at a cost of \$150 per inspection.
3. A Mitigation Monitoring Program deposit of \$3,000 will be required within thirty (30) days of the final approval date of the permit.

### **STAFF RECOMMENDATION**

Prior to making a decision on this case, Staff recommends the Planning Commission consider the following:

- Hear additional testimony on new issues not discussed in previous hearings.
- Consider whether all the facts, analysis and correspondence contained in this report along with hearing the oral testimony and reading the written comments received

during the public hearing are sufficient.

- Consider whether mitigation measures proposed are adequate.

As cumulative impacts to visual and biological resources would remain significant since there are no known mitigation measures available to reduce cumulative impacts to a level of insignificance, a Statement of Overriding Considerations must be adopted in order to approve the proposed project.

### **Approval**

The following recommendation is made prior to the public hearing and is subject to change based upon testimony and/or documentary evidence presented at the public hearing. If the Commission finds the applicant satisfies the conditional use permit burden of proof requirements for this request and the basis for making a Statement of Overriding Considerations, then staff recommends **APPROVAL** of Conditional Use Permit No. 98-062-(3), subject to the attached draft mitigation monitoring program and draft conditions.

### **SUGGESTED MOTION**

"I MOVE THE PUBLIC HEARING BE CLOSED AND THAT THE REGIONAL PLANNING COMMISSION INDICATES ITS INTENT TO APPROVE CONDITIONAL USE PERMIT CASE NO. 98-062-(3) AND INSTRUCT STAFF TO PREPARE THE FINAL ENVIRONMENTAL DOCUMENTATION AND FINDINGS AND CONDITIONS FOR APPROVAL."

Prepared by Kim K. Szalay, MPL, Zoning Permits I Section  
Reviewed by Russell J. Fricano, PhD, AICP, Supervising Regional Planner,  
Zoning Permits I Section

#### Attachments:

Factual

Thomas Bros. Guide Map

Agency Conditions and Comments

City of Agoura Hills Comments and Recommended Conditions

Applicant's Response to City's Conditions

Applicant's Burden of Proof Statements

Environmental Updates

New Correspondence

RJF:KKS

9/01/05